

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ROBERT GOLDSTEIN,
Plaintiff,

vs.

CAROL LYNN MARTIN,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING PLAINTIFF'S
MOTION AND CAUTIONING
PLAINTIFF AGAINST FURTHER
MERITLESS FILINGS

Case No. 2:07-CV-818 TS

Plaintiff has filed a motion styled Motion for Adding Information.¹ On December 10, 2007, the Court dismissed this case for lack of jurisdiction. The Court also found the Complaint failed to state a claim upon which relief could be granted and that granting leave to amend the Complaint would be futile.² Plaintiff then moved to reopen the case. The Court denied that Motion because the Court cannot reopen a case when it lacks

¹Docket No. 14.

²Docket No. 9, at 2-3.

jurisdiction.³ Plaintiff then filed a “Motion to Recombine Charges”⁴ that was denied for the same reasons.

Construing Plaintiff’s pro se Motion for Adding Charges liberally, it states no basis for the Motion, does not allege a jurisdictional basis for this case, and contains delusional or incomprehensible allegations. Therefore, nothing in the Motion changes the Court’s prior ruling that dismissed this case for lack of jurisdiction.

The Court has liberally construed all of Plaintiff’s pro se filings. The Court finds that the present Motion is the third baseless attempt by Plaintiff to have this case reopened. Plaintiff has not stated any grounds for reopening the case and, most important, has not stated any basis for jurisdiction. The Court finds that the continued filing of Motions seeking to proceed in this closed case without citing any basis for jurisdiction is meritless. After the first Order explaining to Plaintiff the reason why he may not proceed in this closed case, further filings making the same attempt to proceed in this closed case must be considered abusive.

Plaintiff is reminded that because there is no open case and his attempt to reopen the case has been unsuccessful, any motions attempted to be filed herein will be moot. The Court cautions Plaintiff that any “further filings on meritless matters may result in summary disposition without discussion and an order asking him to show cause why this court should not limit his future filings and provide for sanctions.”⁵ The Court “further

³Docket No. 11.

⁴Docket No. 12.

⁵*United States v. Evans*, 248 Fed. Appx. 53, 57 (10th Cir. 2007).

caution[s] [Plaintiff] that the fact he is a pro se litigant does not prohibit the court from imposing such sanctions against him.”⁶


It is therefore

ORDERED that Plaintiff’s Motion for Adding Charges (Docket No. 14) is DENIED AS MOOT because this case is dismissed and closed. It is further

ORDERED that any further filings in this closed case may result in an order to show cause as set forth above.

DATED April 1, 2008

BY THE COURT:



TED STEWART
United States District Judge

⁶*Id.*